

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

J. DUANE GILLIAM, Guardian of the
Estate of Leon Brown, RAYMOND C.
TARLTON, Guardian Ad Litem for HENRY
LEE MCCOLLUM, and KIMBERLY
PINCHBECK, as Limited Guardian and
Conservator of the Estate of Henry Lee
McCollum,

Plaintiffs,

v.

ROBESON COUNTY, TOWN OF RED SPRINGS,
KENNETH SEALEY, both Individually and in his
Official Capacity as the Sheriff of Robeson County,
LARRY FLOYD, LEROY ALLEN, PAUL CANADAY,
Administrator C.T.A. of the Estate of Luther Haggins,
ROBERT PRICE, Administrator C.T.A. of the Estate of
Joel Garth Locklear, Sr., CHARLOTTE NOEL FOX,
Administrator of the Estate of Kenneth Snead,

Defendants.

**PLAINTIFFS' MEMORANDUM
OF LAW IN SUPPORT OF
MOTION FOR LEAVE TO
SUBSTITUTE EXHIBIT A OF
PLAINTIFFS' MOTION FOR
LEAVE TO FILE
SUPPLEMENTAL COMPLAINT
AGAINST DEBTOR
INSURANCE COMPANIES TO
AID IN EXECUTION OF THIS
COURT'S FINAL JUDGMENT
AGAINST DEFENDANTS
SNEAD AND ALLEN AND TO
GARNISH INSURANCE
PROCEEDS**

Case No. 5:15-CV-00451-BO

1. On February 27, 2024, Plaintiff Henry Lee McCollum¹ and Plaintiff Leon Brown² (collectively, "Plaintiffs" or "Plaintiffs McCollum and Brown" or individually, "Plaintiff McCollum" and "Plaintiff Brown"), by and through undersigned counsel, moved for leave (DE 508) pursuant to Federal Rules of Civil Procedure 19, 64, and 69 to file a supplemental

¹ Raymond C. Tarlton is the Guardian Ad Litem for Henry Lee McCollum. Kimberly Pinchbeck is the Limited Guardian and Conservator of the Estate of Henry Lee McCollum.

² J. Duane Gilliam is the Guardian of the Estate of Leon Brown.

complaint against certain debtor insurance companies in order to satisfy the judgment awarded to them against Defendants Kenneth Snead³ and Leroy Allen (collectively, “Snead and Allen” or individually, “Snead” and “Allen”), seeking to garnish insurance proceeds owed by Jefferson Insurance Company (“Jefferson”), National Casualty Company (“National Casualty”), General Star National Insurance Company (“General Star”), Clarendon National Insurance Company (“Clarendon”), and Lexington Insurance Company (“Lexington”) (collectively, “Supplemental Defendants” or “Insurers”).

2. Attached as Exhibit A to Plaintiffs’ motion for leave (DE 508) is a proposed Supplemental Complaint against Jefferson, National Casualty, General Star, Clarendon, and Lexington.

3. Plaintiffs now seek leave to substitute Exhibit A with a revised Supplemental Complaint, which is attached as Exhibit 1 to this motion.

4. On April 20, 2023, this Court entered final judgment in favor of Plaintiff McCollum and Plaintiff Brown, holding North Carolina law enforcement officers Snead and Allen jointly and severally liable to Plaintiff McCollum, and Snead liable to Plaintiff Brown (the “Final Judgment”).

5. Pursuant to Federal Rule of Civil Procedure 69 and North Carolina General Statutes Section 1-302, Plaintiff McCollum attempted to execute and satisfy the Final Judgment against Snead and Allen, and Plaintiff Brown attempted to execute and satisfy the Final Judgment against Snead.

6. As of the date of filing of Plaintiffs’ February 27, 2024 motion, the Final Judgment had been returned unsatisfied only by Allen (on February 16, 2024). *See McCollum, et al. v. Robeson County, et al.*, Case No. 5:15-cv-00451-BO, Dkt. No. 507 (E.D.N.C. Feb. 16, 2024). The

³ Charlotte Noel Fox is the Administrator of the Estate of Kenneth Snead.

Final Judgment had not yet been returned unsatisfied by Snead, although Plaintiffs alleged that upon information and belief, the Final Judgment would soon be returned unsatisfied by Snead as well.

7. On March 12, 2024, after the filing of Plaintiffs' February 27, 2024 motion, the Final Judgment was returned unsatisfied by Snead. *See McCollum, et al.*, Case No. 5:15-cv-00451-BO, Dkt. No. 515.

8. Exhibit 1 to this motion now reflects that the Final Judgment has been returned unsatisfied by both Snead and Allen.

9. Attached as Exhibit 2 to this motion is a redline comparing Exhibit A, filed on February 27, 2024, and Exhibit 1 to this motion.

10. For the reasons stated above, Plaintiffs respectfully request that the Court grant them leave to substitute Exhibit A of Plaintiffs' February 27, 2024 motion with a revised Supplemental Complaint, attached as Exhibit 1 to this motion.

Respectfully submitted this the 19th day of March, 2024.

CHESHIRE PARKER SCHNEIDER, PLLC

/s/ Elliot S. Abrams

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